

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5536 of 2020

Arising Out of PS. Case No.-16 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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SANJEEV YADAV @ SANJIV YADAV Son of Yugeshwar Ray @
Yugeshwar Rai Resident of Village - Bihwarpur, P.S.- Biddupur, District-
Vaishali

... .. Petitioner/s

Versus

The Union of India, through the Intelligence Officer, Narcotics Control
Bureau, Patna Zonal Unit Department of Internal Security D and E Block,
CGO Complex, Krapoori Thakur Sadan, Rajiv Nagar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh, Advocate.
For the Opposite Party/s : Mr.S.D. Sanjay(Addl. Sol. Gen)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 16-06-2020 This matter has been taken up through Video

Conferencing.

Heard the parties.

The petitioner is languishing in custody for the

offence punishable under Sections 8/20(b)(ii)(c) of the N.D.P.S.

Act.

The petitioner is driver of the truck from which 1022

Kg. of ganja was recovered. Petitioner is in custody since

01.09.2017. In the past, prayer for bail was refused on

11.12.2018 in Cr. Misc. No. 74142 of 2018 with direction to the

trial Court to expedite the trial and conclude the same within

nine months and liberty was allowed to the petitioner to renew



prayer for bail, if the trial is not concluded within the aforesaid period.

Learned counsel for the petitioner prays for bail on the ground of long detention of the petitioner and non-conclusion of the trial within the time frame.

Learned Additional Solicitor General appearing for the Union of India has filed supplementary counter affidavit giving details of progress of the trial. After perusal of the same, it cannot be blamed on the prosecution for non-conclusion of the trial within aforesaid period.

Considering the fact that minimum punishment prescribed for the said offence is 10 years as well as considering the fact that only long detention cannot be a ground for grant of bail unless the Court is satisfied with the conditions mentioned under Section 37 of the N.D.P.S. Act in the matter of recovery of Narcotics of commercial quantity, I am not inclined to enlarge the petitioner on bail in connection with Special Case No. 130 of 2017, Trial No. 76/2019 arising out of F. No. NCB/PZU/V/16/2017).

Prayer for bail of the petitioner is refused.

Learned trial Judge is directed to expedite the trial and the learned Sessions Judge of the said Division is requested not



to transfer the case in casual manner unless extreme necessity is there arising out of vacation of the court by the Presiding Officer or any other reasonable ground.

(Birendra Kumar, J)

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